

REMARKS

Claims 1-16 are pending in the application. Claims 1-16 remain rejected. Applicants respectfully request that claims 1, 8, 9 and 15 be amended.

Claims 1 and 15 replace "solvate" with "hydrate."

Claims 8 and 9 add an apostrophe to correct a typographical error for the variable D'.

No new matter has been added in amending said claims.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-5, 8-14 and 16 remain rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the following three reasons which Applicants respectfully traverse.

First, the Examiner believes that claim 1 (and its dependents) are indefinite because the bond order between Y and D'' is unclear when D' is a bond when  $R^2$  is  $D'-D''(R^3)(R^4)$ . Specifically, the Examiner asserted that if D'' is C, then it will have an improper valency since it will only be attached to three other atoms Y,  $R^3$  and  $R^4$ . The Examiner is correct in noting that it will be attached only to three other atoms, but Applicants respectfully point out that the claim language specifically provides for this occurrence by permitting  $R^3$  and  $R^4$  to be attached to C by single or *double bonds*. See the indented portion of the claim language below the definition of D'' which reads as follows:

D'' is C, C-OH or CH

wherein

said C is attached to  $R^3$  by a single or double bond;

said C is attached to  $R^4$  by a single or double bond;

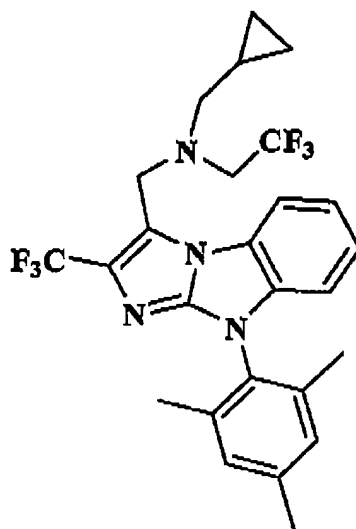
provided that

C is not attached to both  $R^3$  and  $R^4$  by double bonds;

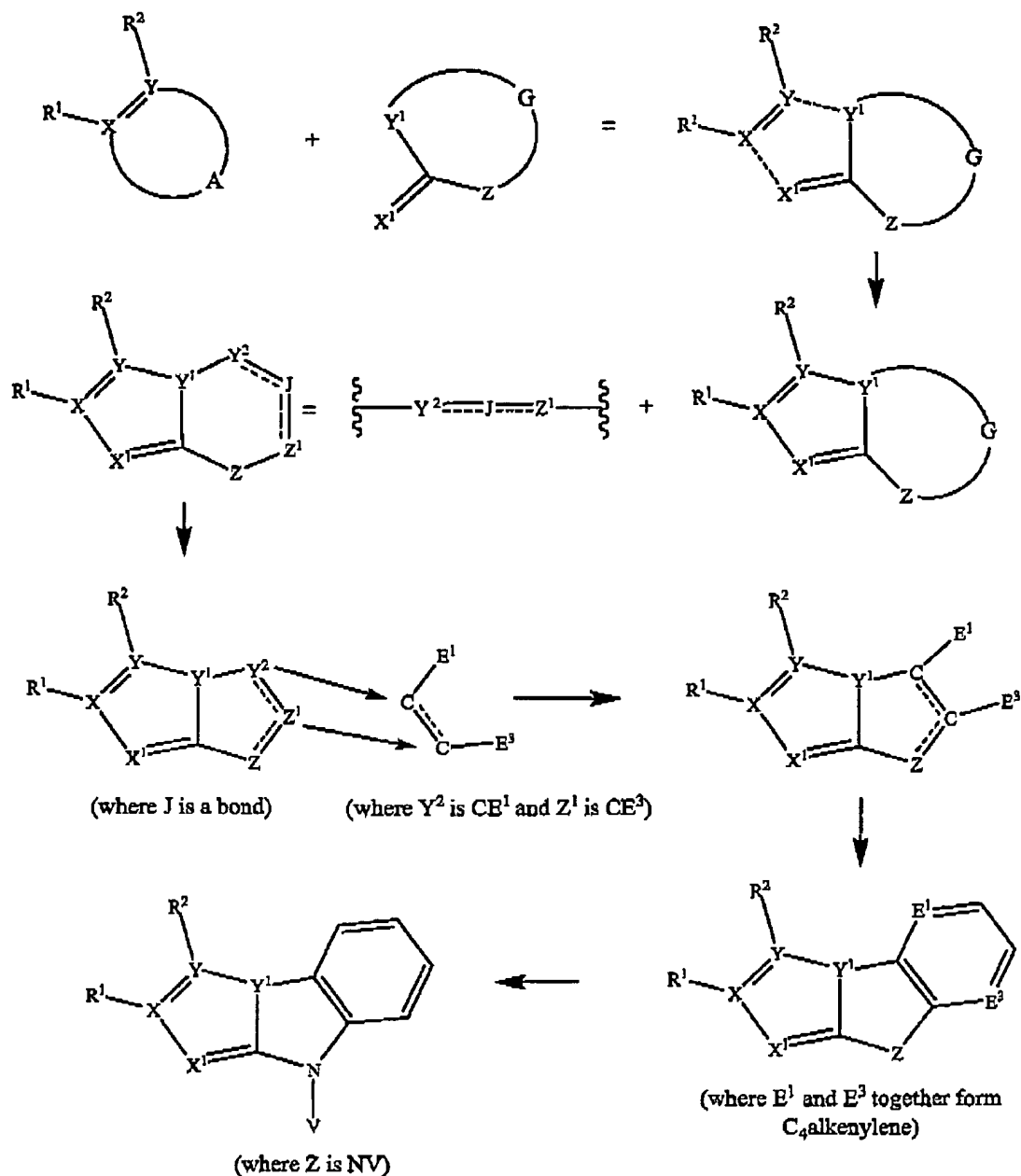
said CH is attached to  $R^3$  and  $R^4$  by single bonds;

Thus, the valency for D'' being C would be satisfied by a double bond. The Examiner further noted that "it is very difficult to envision the ring structure formed by variables  $X=Y$ ,  $X^1=C-Y^1$ -G-Z." In order to assist the Examiner, Applicants provide the following schematic explanation (Schema I) of how the variables fit together to claim the elected compound described in Example 150.

#### Example 150



Cyclopropylmethyl-(2,2,2-trifluoro-ethyl)-[2-trifluoromethyl-8-(2,4,6-trimethylphenyl)-8H-1,3a,8-triaza-cyclopenta[a]inden-3-ylmethyl]-amine

Schema J

Applicants believe that this explanation will assist the Examiner in seeing how the ring structure is formed by variables  $X=Y$ ,  $X^1=C-Y^1-G-Z$ .

Second, claims 1 and 15 were rejected under 35 U.S.C. §112, second paragraph because they recited "solvate" which is believed to create indefinite metes and bounds. Solely to further prosecution, Applicants have replaced "solvate" with "hydrate" in the claims.

Third, Claims 8 and 9 were deemed "incoherent because they recite  $R^2$  as  $D'-D''(R^3)(R^4)$ , but they recite the definition of D, and not D'." Applicants regret this typographical error in which the apostrophe was omitted from D which should read D'. Applicants have accordingly amended claims 8 and 9. For the above reasons, Applicants respectfully submit that the claims satisfy 35 U.S.C. §112, second paragraph and request that the rejection be withdrawn.

Rejection Under 35 U.S.C. §112, First Paragraph

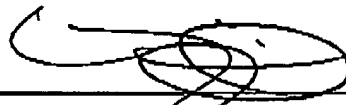
Claims 1-16 are rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for the preparation and use of *salts and hydrates*, did not reasonably provide enablement for the preparation and use of *solvates*. As stated above, in order to further prosecution Applicants have replaced "solvate" with "hydrate" in the claims. Therefore, Applicants respectfully request the rejection to be withdrawn.

In light of the amendments and remarks herein, Applicants respectfully request the Examiner to enter said amendments and respectfully submit that the application is in condition for allowance. Applicants reserve the right to file divisional application(s) on non-elected subject matter. The Commissioner is authorized to withdraw any necessary fees from Deposit Account 19-3880.

Dated: \_\_\_\_\_

July 10, 2006

Respectfully submitted,



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